



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5512

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-211	from Ch. 110, par. 13-211
735 ILCS 5/13-212	from Ch. 110, par. 13-212
735 ILCS 5/13-214.3	from Ch. 110, par. 13-214.3

Amends the Code of Civil Procedure. Provides that if a person is not under a legal disability at the time certain actions accrue, but becomes under a legal disability before the statutory periods of limitations for those actions otherwise run, the limitations periods are stayed until the disability is removed. Provides that the changes made by the amendatory Act apply to actions commenced or pending on or after the effective date.

LRB098 17969 HEP 55451 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Sections 13-211, 13-212, and 13-214.3 as follows:

6 (735 ILCS 5/13-211) (from Ch. 110, par. 13-211)

7 Sec. 13-211. Minors and persons under legal disability. If
8 the person entitled to bring an action, specified in Sections
9 13-201 through 13-210 of this Code Act, at the time the cause
10 of action accrued, is under the age of 18 years⁷, or is under a
11 legal disability, then he or she may bring the action within 2
12 years after the person attains the age of 18 years, or the
13 disability is removed. If the person entitled to bring an
14 action specified under Sections 13-201 through 13-210 of this
15 Code is not under a legal disability at the time the action
16 accrues, but becomes under a legal disability before the period
17 of limitations otherwise runs, the period of limitations is
18 stayed until the disability is removed. The changes made to
19 this Section by this amendatory Act of the 98th General
20 Assembly apply to actions commenced or pending on or after the
21 effective date of this amendatory Act of the 98th General
22 Assembly.

23 (Source: P.A. 85-18; 85-907; 86-1329.)

1 (735 ILCS 5/13-212) (from Ch. 110, par. 13-212)

2 Sec. 13-212. Physician or hospital.

3 (a) Except as provided in Section 13-215 of this Act, no
4 action for damages for injury or death against any physician,
5 dentist, registered nurse or hospital duly licensed under the
6 laws of this State, whether based upon tort, or breach of
7 contract, or otherwise, arising out of patient care shall be
8 brought more than 2 years after the date on which the claimant
9 knew, or through the use of reasonable diligence should have
10 known, or received notice in writing of the existence of the
11 injury or death for which damages are sought in the action,
12 whichever of such date occurs first, but in no event shall such
13 action be brought more than 4 years after the date on which
14 occurred the act or omission or occurrence alleged in such
15 action to have been the cause of such injury or death.

16 (b) Except as provided in Section 13-215 of this Act, no
17 action for damages for injury or death against any physician,
18 dentist, registered nurse or hospital duly licensed under the
19 laws of this State, whether based upon tort, or breach of
20 contract, or otherwise, arising out of patient care shall be
21 brought more than 8 years after the date on which occurred the
22 act or omission or occurrence alleged in such action to have
23 been the cause of such injury or death where the person
24 entitled to bring the action was, at the time the cause of
25 action accrued, under the age of 18 years; provided, however,

1 that in no event may the cause of action be brought after the
2 person's 22nd birthday. If the person was under the age of 18
3 years when the cause of action accrued and, as a result of this
4 amendatory Act of 1987, the action is either barred or there
5 remains less than 3 years to bring such action, then he or she
6 may bring the action within 3 years of July 20, 1987.

7 (c) If the person entitled to bring an action described in
8 this Section is, at the time the cause of action accrued, under
9 a legal disability other than being under the age of 18 years,
10 then the period of limitations does not begin to run until the
11 disability is removed. If the person entitled to bring an
12 action described in this Section is not under a legal
13 disability at the time the action accrues, but becomes under a
14 legal disability before the period of limitations otherwise
15 runs, the period of limitations is stayed until the disability
16 is removed. The changes made to this Section by this amendatory
17 Act of the 98th General Assembly apply to actions commenced or
18 pending on or after the effective date of this amendatory Act
19 of the 98th General Assembly.

20 (Source: P.A. 85-18; 85-907; 86-1329.)

21 (735 ILCS 5/13-214.3) (from Ch. 110, par. 13-214.3)

22 (Text of Section WITHOUT the changes made by P.A. 89-7,
23 which has been held unconstitutional)

24 Sec. 13-214.3. Attorneys.

25 (a) In this Section: "attorney" includes (i) an individual

1 attorney, together with his or her employees who are attorneys,
2 (ii) a professional partnership of attorneys, together with its
3 employees, partners, and members who are attorneys, and (iii) a
4 professional service corporation of attorneys, together with
5 its employees, officers, and shareholders who are attorneys;
6 and "non-attorney employee" means a person who is not an
7 attorney but is employed by an attorney.

8 (b) An action for damages based on tort, contract, or
9 otherwise (i) against an attorney arising out of an act or
10 omission in the performance of professional services or (ii)
11 against a non-attorney employee arising out of an act or
12 omission in the course of his or her employment by an attorney
13 to assist the attorney in performing professional services must
14 be commenced within 2 years from the time the person bringing
15 the action knew or reasonably should have known of the injury
16 for which damages are sought.

17 (c) Except as provided in subsection (d), an action
18 described in subsection (b) may not be commenced in any event
19 more than 6 years after the date on which the act or omission
20 occurred.

21 (d) When the injury caused by the act or omission does not
22 occur until the death of the person for whom the professional
23 services were rendered, the action may be commenced within 2
24 years after the date of the person's death unless letters of
25 office are issued or the person's will is admitted to probate
26 within that 2 year period, in which case the action must be

1 commenced within the time for filing claims against the estate
2 or a petition contesting the validity of the will of the
3 deceased person, whichever is later, as provided in the Probate
4 Act of 1975.

5 (e) If the person entitled to bring the action is under the
6 age of majority or under other legal disability at the time the
7 cause of action accrues, the period of limitations shall not
8 begin to run until majority is attained or the disability is
9 removed. If the person entitled to bring an action described in
10 this Section is not under a legal disability at the time the
11 action accrues, but becomes under a legal disability before the
12 period of limitations otherwise runs, the period of limitations
13 is stayed until the disability is removed. The changes made to
14 this Section by this amendatory Act of the 98th General
15 Assembly apply to actions commenced or pending on or after the
16 effective date of this amendatory Act of the 98th General
17 Assembly.

18 (f) This Section applies to all causes of action accruing
19 on or after its effective date.

20 (Source: P.A. 86-1371.)